

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYRONE SAVAGE,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA, et
al,

Respondents.

CIVIL ACTION
NO. 15-3416

ORDER

AND NOW, this 22nd day of December, 2015, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the response thereto and the reply to the response, and after review of the Report and Recommendation of United States Magistrate Judge Marilyn Heffley and review of Petitioner's objections to the Report and Recommendation, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DENIED**; and
3. There has been no substantial showing of the denial of a constitutional right requiring the issuance of a certificate of appealability.¹

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.

¹ On October 5, 2015, Petitioner filed a letter in which he asked the Court to order his immediate release from prison, due to the fact that his sentence will expire on December 25, 2015, and he will be released from prison in the dead of winter and homeless. (See Docket No. 10.) For the reasons discussed more fully in the Report and Recommendation, I deny this request, as federal courts should not upset a decision by state parole board unless the determination was made based on constitutionally impermissible reasons. Morrissey, 408 U.S. 488-89. There is no evidence that the parole board's decision was made for constitutionally impermissible reasons in this matter; therefore, Petitioner's request is denied.